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## Memorandum

**To:** Medicaid Waiver Personal Care Agencies

**From:** Jane Wessely, Chief  
Division of Waiver Programs, DHMH

Warren Snaver, Program Administrator  
Waiver for Older Adults, MDoA

**Date:** December 12, 2012

**Re:** Monthly Employee List Policy Change – **First Non-compliance Occurrence Action**

Effective November 1, 2012, all personal care agency providers participating in the Medicaid Waiver for Older Adults program are required to submit a current employee list by the first business day of each month to the Maryland Department of Aging (MDoA), using the monthly employee list form (see attached). The monthly employee list should include the names of all employees who provided services for Waiver for Older Adults participants in the previous month. This includes the active and back-up nurse monitor/s and personal care aide/s. If your agency is not providing services to Waiver participants at this time, please list the employees that would be used for services to Waiver clients should your agency receive a referral. You can use the copy of the form provided with this policy or download the digital form from the MDoA website at: <http://www.aging.maryland.gov>

Submit the form by fax to: 410-333-5071 or mail it to:

Waiver Quality Assurance  
Maryland Department of Aging  
301 West Preston Street, Suite 1007  
Baltimore, MD 21201

The list should be reviewed and updated every month to remove the names of employees no longer employed, or no longer qualified to serve the waiver participants; and to add the new employees. Failure to submit the list by the 5<sup>th</sup> business day of the month is considered an occurrence of non-compliance with the policy. The following actions will be taken should there be any occurrence/s of non-compliance:

a. **First Occurrence**: Payments for services will be held until the list is received by MDoA and then all payments due to the provider will be released.

b. **Second Occurrence** (Two consecutive months of occurrences of non-compliance or two occurrences in a 12 month period): Claims will not be paid for the services rendered during the non-compliant period, which is the first day of the month to the date the list is received by MDoA. For example, if the list is received on the 10<sup>th</sup>, the payments will resume on the 10<sup>th</sup>. The provider will not be paid from the 1<sup>st</sup> to the 9<sup>th</sup> of the month.

c. **Third Occurrence** (Three consecutive months of non-compliance or three monthly occurrences of non-compliance in a twelve month period): Claims will not be paid for services rendered during the period of non-compliance and will result in the recommended disenrollment of the noncompliant agency from the Medicaid Waiver for Older Adults.

The provider has the right to file an appeal for the non-payment of claims as detailed in letters (b) and (c) above. A letter will be sent to the provider regarding non-payment of waiver claims, appeal rights and filing procedures for an appeal.

Please note, submitting the monthly employee list is more than a paper work requirement. Qualified and credentialed nurses and personal care aides are essential in providing high quality care. As part of the oversight and operational responsibility for the Medicaid Waiver for Older Adults, MDoA and the Department of Health and Mental Hygiene must assure the federal Centers for Medicare and Medicaid Services (CMS) that all waiver providers and employees meet required qualifications on an on-going basis. Your cooperation in submitting your monthly employee list is essential to this effort.

You may contact Maryam Baharloo at 410-767-1082 if you have questions regarding this policy. Thank you.